***HON'BLE SRI JUSTICE L. NARASIMHA REDDY***

***WRIT PETITION NO. 6181 OF 2007***

***DATE: 24.04.2006***

***BETWEEN***

1. S. Devendra Achari S/o Muni Krishanma Achari and one another

....Petitioners

AND

1. The Executive Engineer, Roads and Buildings Division, Tirupati, Chittoor District and three others

.... Respondents

***HON'BLE SRI JUSTICE L. NARASIMHA REDDY***

***WRIT PETITION NO. 6181 OF 2007***

ORAL ORDER:

The petitioners seek a writ in the form of a direction to the respondents not to construct the proposed wall on the eastern side of the edge of the culvert situated in S.No. 45 of Mahankalidevi Puttur Vilalge, Yerpedu Mandal, Chittoor District, and further directed them to maintain access from their lands in S.No. 159/1.

The petitioners' state that in the place of old culvert a new one was constructed and if the wall adjoining the edge of the culvert is constructed their access would be closed.

On behalf of the respondents a detailed counter affidavit is filed. It is stated that the structure in question is nothing but a part of revetment to the newly constructed culvert over a canal. It is stated that unless the revetment is made, the very safety of the culvert is at stake, the allegation of the petitioners as to their having access to their lands across S.No. 45 is denied.

Heard the leaned counsel appearing for the petitioners and the learned Government Pleader for Roads and Buildings.

On a road leading to Gudimallam from Srikalahasti, a culvert existed across Subbanna Kalava at KM 12/4. Recently the said culvert collapsed due to floods and with a cost of Rs. 10,00,000/-, the department got it constructed afresh. Revetment is part of construction. The petitioners allege that if the revetment is undertaken, their access to the fields from the Government poramboke land in S.No. 45 would be closed.

It may be true that the petitioners are put to hardship, on account of construction of revetment. But their request cannot be

acceded to. It is not the case of the petitioners that the construction is undertaken over their private lands. In case the petitioners intend to have access to their lands from any Government land, it shall always be open to them to approach the concerned authorities with proper representation.

Hence, the Writ Petition is disposed of leaving it open to the petitioners to make representation to the concerned authorities as regards the access to their lands. The proposed construction may go on. The interim order granted on 5.4.2006 is vacated. There shall be no order as to costs.

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L. NARASIMHA REDDY, J

Date: 24.04.2007
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